IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 6529 of 2007(B)

PETITIONER:

K.M. GOVINDAN NAMBIAR,
S/O. NARAYANAN NAMBIAR, "INDEEVANAM",
P.O. EDAYANNUR, KANNUR DIST.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

---

1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY THE SECRETARY, KERALA STATE
ELECTRICITY BOARD, VYDHYUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM.

2. ASSISTANT ENGINEER,
ELECTRICAL SECTION, KERALA STATE ELECTRICITY BOARD
CHALODE, P.O. CHALODE, KANNUR DIST.

3. THE DISTRICT COLLECTOR/
ADDITIONAL DISTRICT MAGISTRATE, KANNUR.

4. K.C. GOVINDAN NAMBIAR,
CHIRAMMEL HOUSE, MATTANNUR, P.O. EDAYANNUR.

5. THE TAHSILDAR, THALASSERY.

BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB
ADV SHRI.P.P.THAJUDEEN, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE CONSENT LETTER DATED 28/08/2002 IN WHICH THE PETITIONER AS WELL AS THE 4TH RESPONDENT HAVE SIGNED.

P2 : COPY OF THE LAWYER NOTICE ISSUED BY PETITIONER TO THE RESPONDENTS 2 & 4.

P3 : COPY OF THE REPLY DATED 18/01/2006.

P4 : COPY OF THE REPLY NOTICE DATED 09/11/2006.

P5 : COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

P6 : COPY OF THE STATEMENT DATED 29/03/2006 ISSUED BY THE 2ND RESPONDENT.

P7 : COPY OF THE REPORT DATED 08/08/2006 SUBMITTED BY THE 5TH RESPONDENT.

P8 : COPY OF THE ORDER DATED 28/12/2006 ISSUED by the 4TH RESPONDENT.

P9 : COPY OF THE INDEMNITY BOND AS CONTEMPLATED BY PARA 13(4) IN FORM NO.5.

P10 : COPY OF THE AGREEMENT IN FORM NO.6.

P11: COPY OF THE LAWYER NOTICE DATED 14/02/2007 SENT BY THE PETITIONER'S COUNSEL TO THE 2ND RESPONDENT.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 6529 of 2007

Dated, this the 27th day of July, 2007

J U D G M E N T

This writ petition is filed for a direction to shift the electric post from petitioner's property, which is stated to be now installed for giving connection to 4th respondent. The petitioner has deposited the cost which is something below Rs. 10,000/- and line is also shifted. Learned Standing Counsel for KSEB has confirmed this. Remaining prayer raised is for a direction to the KSEB to refund the amount paid by the petitioner, if required, after collecting from one Mr. C.A.Govindan Nambiar, who is said to be the beneficiary. The petitioner has filed an application for impleading the said Mr. C.A.Govindan Nambiar. However, since the question as to whether the petitioner is eligible for refund of the amount deposited or is personally liable for meeting the cost of shifting the line is not decided by the KSEB or the District Collector, I feel, this writ petition can be disposed of with direction to the concerned authority to decide the matter after hearing the petitioner and the beneficiary of the line. Accordingly, this writ petition is disposed of directing 2nd respondent to forward a report

to the Executive Engineer, KSEB to consider the personal liability to meet the cost of shifting the line under the Conditions of Supply, and issue notice to such person, hear the objections and fix liability. If the beneficiary or any other person is liable, the amount would be collected by the KSEB and payment made by the petitioner should be refunded. However, if petitioner is the beneficiary of shifting, then the amount paid by the petitioner can be retained by the Board. The Executive Engineer will issue detailed order after hearing petitioner, and any other person if order is proposed against such person, and pass final orders within two months from the date of production of a copy of the judgment by the petitioner.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg